

Serial No. 10/084,379
Amendment
Responsive to Office Action dated August 23, 2007

H&A-108

RECEIVED
CENTRAL FAX CENTER

DEC 26 2007

REMARKS

Pending Claims

Claims 1-6 and 8-43 are pending in this application. Claims 13 and 36 have been amended. New claim 43 has been added. No new matter has been added.

Interview Summary

Applicants extend their appreciation to the Examiner for granting an Interview by telephone with the undersigned attorney on November 14, 2007. In the interview, it was discussed that Applicants would submit a request for reconsideration clarifying why it would not be obvious to modify Ueki as proposed in the rejections.

The invention was discussed with respect to the feature of the prerecorded target information, such as advertisement information, being prerecorded on a recording medium, such as a DVD-RAM disk. The target information is recorded in a recording limited area. The recording limit is canceled and information is recorded in the recording-limited area after the canceling of the recording limit, as set forth in independent claims 1, 13, 26, 34, 36 and 43. The remaining independent claim, claim 11, includes the limitation of recording information in the recording-limited area after decrypting the information about the recording-limited area, which is in encrypted form, by predetermined software.

The Ueki reference was discussed and it was pointed out that the reference discloses a copy protection information area which is a type of "recording limit" area. However, it was also pointed out that one of ordinary skill in the art would not cancel the "recording limit" of

Serial No. 10/084,379

H&A-108

Amendment

Responsive to Office Action dated August 23, 2007

the copy protection information area of Ueki since this would invalidate the copyright protection provided by the information that is recorded in the copy protection information area.

No agreement was reached in the Interview.

Claim Rejections under 35 U.S.C. §103

Claims 1-6, 8-10, 12-33 and 35-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueki, U.S. Patent No. 6,678,236 in view of Maeda et al., U.S. Patent No. 6,654,547. Claims 11 and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueki '236 in view of Maeda et al '547 and further in view of Nishio, U.S. Patent No. 5,887,192. Reconsideration of the rejections is requested in view of the following comments.

Applicants set forth a recording method and recording medium in which a recording limited area is provided on a recording medium that is recognized as an area in which recording of information cannot be performed. According to the invention, the recording limit is canceled and information is recorded in the recording-limited area after the canceling of the recording limit. *See*, page 10, lines 1-3 of the specification. This limitation is set forth in all of the independent claims 1, 13, 26, 34, 36 and 43, except for claim 11. In claim 11, the information about the recording-limited area is claimed to be in encrypted form. After decrypting the information about the recording-limited area by predetermined software, data is recorded on the recording medium, including the recording-limited area.

According to the invention, the recording limit is claimed to be cancelled after the target information or prerecorded information has been read or played back (claims 15 and 16).

Serial No. 10/084,379

H&A-108

Amendment

Responsive to Office Action dated August 23, 2007

Also, the recording limit is claimed to be cancelled following an occurrence of a specified event, such as display of the pre-recorded information. See claims 18 and 19; 21 and 22; and 24 and 25, respectively, for example.

In a preferred embodiment of the invention, the target information is an advertisement, as set forth in claims 5, 16, 30 and 39, for example. Further, the recording limit is claimed to be cancelled after the target information or prerecorded information has been read or played back at least once (claims 28, 34, for example).

In a practical embodiment of the invention, the recording limit in the recording medium is configured so that the recording limited area is recognized as defective, and the recording limit is canceled by causing the portion to be no longer recognized as defective (claims 17, 20, 23, 40, 41 and 42). *See*, page 10, lines 6-9 of the Specification, for example. Further, according to an embodiment of the invention, the recording limit can be canceled after the issuance of an instruction for viewing and/or hearing the target information, thereby enabling recording after the recording limit is canceled.

Ueki, on the other hand, is concerned with protecting a DVD-Video from illegal copying. Ueki discloses that for a DVD-Video designed for playback or reproduction only, the DVD-Video stores main information, and copyright information corresponding to the main information. The copyright information is designed to prevent the contents of the main information from being illegally copied. The copyright information is recorded on a given area of the disc, that is, an area of the disc which is assigned to information related to copyright protection such as information of a CSS key (a contents scramble system). When there is

Serial No. 10/084,379

H&A-108

Amendment

Responsive to Office Action dated August 23, 2007

incompatibility between the CSS key that is read out and the correct CSS key, then the reproduction by the DVD-Video player is suspended. When the information of the CSS key is correct, the player is permitted to reproduce the contents or main information from the disc.

See, col. 1, lines 31-38 of Ueki.

Ueki is replied upon in the Office Action for disclosing a lead in area (LI) formed by a pre-pit area PR that is asserted to be equivalent to the recording-limited area set forth in the claimed invention. The rejection is further based on the interpretation that the information recorded as the lead-in information (pre-pits) could be any type of information, such as the target information of the invention. Applicants respectfully traverse the interpretation given to Ueki and the reliance on Ueki in support of the rejections for the following reasons.

The lead-in area (LI) of Ueki is composed of lead-in areas LI1 and LI2. Copyright protection information, such as the information of a CSS key, is recorded in the second lead-in area LI2. Ueki discloses that "the copyright-protection-related information cannot be altered by an error correction process." *See* col. 9, lines 44-53 of Ueki. The second lead-in area LI2 is represented by pits (pre-pits) in the disc (col. 10, lines 2-6 of the reference), and the pre-pits represent the copyright-protection-related information (col. 10, lines 21-23 of Ueki). Thus, the copyright-protection-related information of Ueki is different from the target information of the present invention. If the copyright-protection-related information is rewritten or altered, then the playback apparatus will suspend or halt the playback of the contents recorded on the disc. Thus, Ueki teaches that the copyright-protection-related information is read and used in performing a function required to be performed in order to achieve playback of the contents of

Serial No. 10/084,379
Amendment
Responsive to Office Action dated August 23, 2007

H&A-108

the disc. On the other hand, the target information of the present invention is an advertisement, for example, or other data to be displayed or communicated to a user, and is not used as copyright-protection-related information.

Additionally, the pre-pit area in which the copyright-protection-related information is recorded is comparable to the recording limited area of the present invention, however the recording limit is not cancelled. The Office Action cites Ueki for disclosing a recording operation (Fig. 15) that suspends recording at the timing corresponding to the starting edge of the pre-pit area PR by changing the operation of the apparatus from the recording mode to the playback mode. According to the reference, the recording continues to be suspended until the timing corresponding to the ending edge of the pre-pit area PR and given by the LPP-based recording timing signal. *See*, col. 26, 51-58 of Ueki. However, the recording operation of Ueki, which includes switching to playback when the pre-pit area PR is encountered, and then resuming recording after the pre-pit area PR has been passed, is not equivalent to the claimed canceling of the recording limit for a recording-limited area, as in the present invention. The recording limit of the pre-pit area is unchanged by the recording process described with respect to Fig. 15 in Ueki. The switching to the playback mode in the pre-pit area is merely designed to prevent the data in the pre-pit area from being overwritten. *See*, col. 26, lines 57-63 of Ueki. On the other hand, when the recording limit of a recording limited area is cancelled according to the claimed invention, information is recorded in the recording limited area.

Maintaining an unaltered state of the copyright-protection-related information is important in Ueki since the information is used to determine whether playback of contents data

Serial No. 10/084,379

H&A-108

Amendment

Responsive to Office Action dated August 23, 2007

should be permitted. In the description of Fig. 14, Ueki states that "[t]he step S19 may stop the reproduction of the contents information when the reproduced lead-in information and the apparatus are in a predetermined unacceptable relation." See col. 26, lines 12- 15; and col. 27, lines 14-17. Accordingly, there is no disclosure or suggestion by Ueki to record information in the pre-pit area PR (recording-limited area) even if the recording limit of the pre-pit area PR were to be canceled. That is, Ueki does not disclose or suggest a recording-limited area in which recording of information in the recording-limited area is performed after the canceling of the recording limit, as claimed in the independent claims. Rather, canceling the recording limit and then recording information in the lead-in area or pre-pit area PR of Ueki, which is asserted in the Office Action to be equivalent to the recording-limited area of the present invention, would cause reproduction of the contents of the disc to be stopped since it would be determined that an illegal copying has occurred.

According to the present application, the recording medium is rewritable which allows for erasure and re-recording of user data in the user data area where the target information such as an ad is recorded, and further there is provided a function which makes erasure or re-recording impossible in the recording limited area until the target information such as an ad is displayed. Thus, the present invention provides a recording-limited area in which recording is limited so that a manufacturer or user can record desired information and expect that the desired information will be displayed to the user. Further, the recording limit can be canceled, preferably after the reading or playing back of the desired information. See Fig. 11, page 17,

Serial No. 10/084,379
Amendment
Responsive to Office Action dated August 23, 2007

H&A-108

lines 8-20 and page 6, lines 22-31 of the specification, for example. These achievements are not attainable by Ueki or suggested by Ueki to one having ordinary skill in the art.

Maeda is relied upon for disclosing a method/system that teaches the display of an advertisement, such as a commercial message (CM). However, Maeda does not disclose or suggest a recording-limited area in which recording of information in the recording-limited area is performed after the canceling of the recording limit, as claimed in the independent claims. Nishio is relied upon for disclosing the combination of movie data and advertisement data, however the reference also does not make up for the deficiencies in Ueki. Accordingly, the combination of Ueki and Maeda or Nishio does not render the invention unpatentable under 35 U.S.C. §103, and therefore the rejections should be withdrawn.

New Claim

New claim 43 has been added that sets forth that the recording limit of the recording limited area is recognized as an area in which recording is not permitted and the recording limit is cancelled once reproduction of information related to the recording-limited area occurs. Further, claim 43 sets forth that new information is recorded in the recording-limited area after the canceling of the recording limit. See page 10, lines 1-3 page 16, lines 5-8 and lines 19-23 of the specification for support of new claim 43.

Serial No. 10/084,379

H&A-108

Amendment

Responsive to Office Action dated August 23, 2007

RECEIVED
CENTRAL FAX CENTER

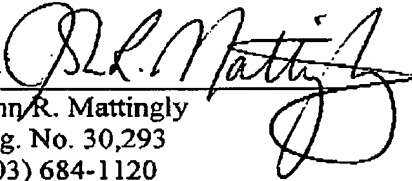
DEC 26 2007

Conclusion

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

By 
John R. Mattingly
Reg. No. 30,293
(703) 684-1120

Date: December 26, 2007